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12 Attorneys for Plaintiff
United States of America

13 UNITED STATES DISTRICT COURT

14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 EASTERN DIVISION

16
17 UNITED STATES OF AMERICA,) ED CV 12-2049 VAP (OPx)
Plaintiff,)
vs.) **CONSENT JUDGMENT OF FORFEITURE**
REAL PROPERTY LOCATED AT 15750)
ARROW BLVD., FONTANA,)
CALIFORNIA (EPIC PLAZA),)
Defendant.)

PREFERRED BANK,)
Claimant.)

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2 This action was filed on November 21, 2012. Notice was
3 given and published in accordance with law. Claimant Preferred
4 Bank filed a claim on January 2, 2013 and its answer on January
5 23, 2013, basing its claim on a loan in the original principal
6 amount of \$6,680,000.00, recorded on October 10, 2007 in the San
7 Bernardino County Recorder's Office as document no. 2007-
8 0571802, and a loan in an amount of \$535,000.00, recorded on
9 March 8, 2010 in the San Bernardino County Recorder's Office as
10 document no. 2010-0089647, in favor of Preferred Bank.

11 No other claims or answers have been filed, and the time
12 for filing claims and answers has expired. Plaintiff United
13 States of America ("the government") and Preferred Bank have
14 reached an agreement that, without further litigation and
15 without an admission of any wrongdoing by Preferred Bank, is
16 dispositive of the government's claims against this property,
17 and hereby request that the Court enter this Consent Judgment of
18 Forfeiture ("Consent Judgment").

19 **WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

20 1. This Court has jurisdiction over the parties to this
21 judgment and the subject matter of this action.

22 2. On or about November 21, 2012, the government filed a
23 Complaint for Forfeiture pursuant to 21 U.S.C. § 881(a)(7)
24 against the defendant real property.

25 3. Preferred Bank filed a claim and answer to the
26 defendant property. No other claimant has appeared in this
27 action.

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1 4. Notice of this action has been given in accordance with
2 law. No appearances having been made in this action by any
3 party other than Preferred Bank, the Court deems that all other
4 potential claimants admit the allegations of the Complaint to be
5 true.

6 5. On July 10, 2013, the Court ordered that cash be
7 substituted for the defendant real property in the event
8 Preferred Bank sold its Note and Deed of Trust. The sale took
9 place on July 17, 2013, and Preferred Bank was paid the net sum
10 of \$3,150,000.00. A check in that amount made out to the United
11 States Marshal Service was sent to counsel for the government.
12 Counsel for the government has maintained custody of that check
13 and it has not been deposited or negotiated. The amount of
14 \$3,150,000.00, per the Court's order, is now the substitute *in
rem* defendant, in place of the defendant real property.

16 6. In consideration of the government's agreement not to
17 pursue forfeiture of the \$3,150,000.00 or any other amount
18 pursuant to 21 U.S.C. §§ 881 (a)(6) or (7) in connection with
19 the allegations of the complaint, Preferred Bank shall pay the
20 sum of \$20,000.00 to the government not later than sixty days
21 following entry of this Consent Judgment by the Court. Such
22 payment shall be made in the form of a cashier's check made
23 payable to the United States Marshal Service, and shall be
24 delivered to Assistant United States Attorney Jonathan Galatzan,
25 312 N. Spring Street, 14th Floor, Los Angeles, California 90012.
26 Said sum is to be considered a substitute *res* for the
27 \$3,150,000.00 and is hereby ordered forfeited to the United
28 States of America and no other right, title or interest shall

1 exist therein. Upon receipt of the \$20,000.00 check, the
2 government shall mark the \$3,150,000.00 check "VOID" and return
3 it, uncashed, to or as directed by counsel to Preferred Bank.
4 The United States Marshal Service is ordered to dispose of the
5 proceeds of the \$20,000.00 check in accordance with law.

6 7. Preferred Bank has released the United States of
7 America, its agencies, agents, and officers, including, without
8 limitation, employees and other representatives of the Drug
9 Enforcement Administration, from any and all claims, defenses,
10 actions, or liabilities arising out of or related to this action
11 against the defendant real property or substitute property,
12 including, without limitation, any and all claims for attorneys'
13 fees, costs or interest which may be asserted by them or on
14 their behalf.

15 8. The Court shall retain jurisdiction over this matter
16 to enforce the provisions of this Consent Judgment.

17 9. This Consent Judgment may be executed in any number of
18 counterparts so long as each signatory hereto executes at least
19 one such counterpart. Each such counterpart shall constitute
20 one original, but all such counterparts taken together shall
21 constitute one and the same Consent Judgment.

22 10. Execution by Parties. This Consent Judgment shall
23 only be effective and shall only be binding on the parties if it
24 is executed by counsel for the parties and approved by the
25 Court.

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11. This Consent Judgment may be executed by transmitting an executed signature page by e-mail in PDF format to counsel for the other party, and by promptly sending to the other party an originally executed signature page; provided, however, that if a party fails to subsequently send an originally executed signature page to the other party, the Consent Judgment shall remain validly executed by PDF format signature.

Dated: September 26, 2013

THE HONORABLE VIRGINIA A. PHILLIPS
UNITED STATES DISTRICT JUDGE

Approved as to form and content:

DATED: September 11, 2013 ANDRÉ BIROTTE JR.
United States Attorney
ROBERT E. DUGDALE
Assistant United States Attorney
Chief, Criminal Division
STEVEN R. WELK
Assistant United States Attorney
Chief, Asset Forfeiture Section

/s/ Jonathan Galatzan
JONATHAN GALATZAN
Assistant United States Attorney

DATED: September 4, 2013 FRANDZEL ROBINS BLOOM & CSATO, L.C.

/s/ Kenneth N. Russak
KENNETH N. RUSSAK

Attorney for Claimant

PREFERRED BANK

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